

privately reflect the duties of the position and (3) changes the title of a position at the Department of Transportation from Special Assistant to the Deputy Under Secretary to Special Assistant to the Assistant Secretary for Budget and Programs to reflect the current title of the Superior. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: December 29, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(16) is added and 213.3339(b) and 213.3394(a)(15) are amended as set out below:

§ 213.3339 Department of Commerce.

(a) *Office of the Secretary.* * * *
(16) One Private Secretary to the Inspector General.

* * *

§ 213.3314 U.S. International Trade Commission.

* * *

(b) One Staff Assistant (Legal), One Staff Assistant, and one Confidential Assistant to a Commissioner.

* * *

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *
(15) One Special Assistant to the Assistant Secretary for Budget and Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2793 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

General Services Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the General Services Administration because it is confidential in nature, and (2) revokes two positions because the need for the positions no longer exists and the positions have been abolished. Appointments may be made to the position without examination

by the Office of Personnel Management.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3337(a)(4) is amended and (a)(12) is added as set out below:

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *
(4) One Confidential Assistant to the Assistant Administrator. * * *
(12) One Assistant to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2796 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare; Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the Department of Health, Education, and Welfare because it is confidential in nature and (2) changes the title of a position at the Department of Energy from Special Assistant to the Director, Office of Congressional Affairs, Federal Energy Administration to Staff Assistant to the Director, Office of Congressional Affairs to more appropriately reflect the duties of the position. This position formerly existed at the Federal Energy Administration and was subsequently transferred to the Department of Energy on September 30, 1977. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(a)(4) is added and 213.3331(m)(6) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(4) One Assistant Deputy Under Secretary for Intergovernmental Affairs.

* * *

§ 213.3331 Department of Energy.

* * *

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* * * *

(6) Six Staff Assistants, Congressional Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,

JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2798 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Inter-American Foundation, Department of Energy, and Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C certain positions at the Inter-American Foundation, Department of Energy and Department of Transportation because they are confidential in nature and (2) revokes a position at the Department of Energy because it has been vacant for more than 60 days. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 12, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3320 and 213.3394(f)(7) are added, 213.3331(m)(5) is amended and 213.3331(m)(4) is revoked as set out below:

§ 213.3320 Inter-American Foundation.

(a) One Confidential Assistant (Andean Region).

(b) One Confidential Assistant (Caribbean/Brazil Region).

(c) One Confidential Assistant (Mexico/Central America/Panama Region).

(d) One Confidential Assistant (Southern Cone Region).

* * *

§ 213.3331 Department of Energy.

(m) *Office of the Assistant Secretary for Intergovernmental and Institutional Relations.* * * *

(4) [Revoke].

(5) One Staff Assistant, one Staff Assistant, State Relations, and one Staff Assistant, City and County Relations, to the Director, Office of Intergovernmental Affairs.

§ 213.3394 Department of Transportation.

(f) *Urban Mass Transportation Administration.* * * *

(7) One Special Assistant for Special Projects to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2799 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Part-time and intermittent positions at grades GS-6 and below in the Bureau of Labor Statistics involved in data collections for the Consumer Price Index may be filled by new appointment under Schedule A through December 31, 1983, because it continues to be impracticable to examine for them. Persons employed in these positions may work up to 1,600 hours in a service year.

EFFECTIVE DATE: January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3115(b)(1) is amended as set out below:

§ 213.3115 Department of Labor.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent

to GS-6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1983.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2794 Filed 1-25-79; 8:45 am]

[6320-01-M]

PART 213—EXCEPTED SERVICE

**Merit Systems Protection Board, and
Office of Personnel Management**

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to list the Schedule C positions currently existing at both the Merit Systems Protection Board and the Office of Personnel Management. These positions had been previously excepted under Schedule C but were not listed in the FEDERAL REGISTER prior to this time.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3390(a), (b), (c) and 213.3391(a), (b) are added as set out below:

§ 213.3390 Merit Systems Protection Board.

(a) Two Special Assistants and one Administrative Assistant to the Chairperson.

(b) One Policy Advisor and one Administrative Assistant to the Vice-Chairperson.

(c) One Policy Advisor and one Administrative Assistant to the Commissioner.

§ 213.3391 Office of Personnel Management.

(a) Two Special Assistants and one Confidential Assistant to the Director.

(b) One Policy Advisor and one Administrative Assistant to the Deputy Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2800 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Veterans Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Up to 400 scientific, professional and technical positions at grades GS-11 and above in the medical research program of the Veterans Administration are excepted under Schedule B because it is impracticable to hold a competitive examination for them. Employment in these positions may not exceed 7 years.

EFFECTIVE DATE: January 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3227 is added as set out below:

§ 213.3227 Veterans Administration.

(a) Not to exceed 400 scientific, professional and technical positions at grades GS-11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant to
the Director.*

[FR Doc. 79-2795 Filed 1-25-79; 8:45 am]

[3410-05-M]

Title 7—Agriculture

**SUBTITLE A—OFFICE OF THE
SECRETARY OF AGRICULTURE**

PART 7—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

Revision

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: These regulations are a complete revision of the existing regulations governing the selection and functions of Agricultural Stabilization

and Conservation county and community committees. The parts of these regulations relating to the suspension and removal of county committee members, community committee members, county executive directors, and other county employees have been extensively revised to eliminate repetition and to provide specific procedures to be followed in such cases, including the right to a hearing, cross-examination of witnesses, and examination of relevant evidence.

EFFECTIVE DATES: The regulations are effective when published.

FOR FURTHER INFORMATION CONTACT:

Alfred Oberg, Management Analyst, TSS-ASCS, Room 4720 South Building, Washington, D.C. 20013, (202) 447-6865.

SUPPLEMENTARY INFORMATION: On April 21, 1977, there was published in the *FEDERAL REGISTER* (42 FR 20628) proposed regulations revising existing regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

Since these regulations were developed prior to the issuance of Departmental procedures under Executive Order 12044, such procedures are not applicable. However, interested persons were invited to submit written comments to these regulations within thirty days after publication pursuant to 5 U.S.C. 553, and other means to obtain public participation were utilized. There were no adverse comments received. Twenty replies were received commenting on the proposed regulations. As a result of these comments, some editorial changes have been made and some changes were made to the procedures to follow in cases involving the suspension or removal from office or employment of county and community committee members, county executive directors, and other county employees. Such changes provide that hearings in connection with determinations of the Deputy Administrator are to be conducted by the Deputy Administrator or his or her designee.

Accordingly, 7 CFR Part 7 is revised to read as follows:

PART 7—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

NAMES OF COMMITTEES

- Sec.
7.1 Local or community committee.
7.2 County committee.

PURPOSE OF COMMITTEES

- Sec.
7.3 Purpose.

SELECTION OF COMMITTEES

- 7.4 Method.
7.5 Who may vote for community committee members and delegates.
7.6 Restrictions on voting.
7.7 Determination of elective areas.
7.8 Calling of elections.
7.9 Conduct of community elections.
7.10 Conduct of county convention.
7.11 Election of community committee and delegates to the county convention.
7.12 Election of the county committee.
7.13 Tie votes.
7.14 Vacancies.
7.15 Appeals.

ELIGIBILITY REQUIREMENTS

- 7.16 County committee members, community committee members, and delegates.
7.17 All other personnel.
7.18 Dual office.

TERMS OF OFFICE

- 7.19 County and community committee members.
7.20 Delegates to the county convention.

DUTIES

- 7.21 County committee.
7.22 Chairperson of the county committee.
7.23 Community committee.
7.24 Chairperson of the community committee.
7.25 Delegate to the county convention.
7.26 County executive director.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

- 7.27 All personnel.

POLITICAL ACTIVITY

- 7.28 All personnel.

REMOVAL FROM OFFICE OR EMPLOYMENT

- 7.29 County and community committee members and delegates to the county convention; county office personnel.
7.30 Delegation of authority to Deputy Administrator.
7.31 Right of review.
7.32 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.
7.33 Findings, analysis, and recommendations of hearing officer.
7.34 Determination of the Deputy Administrator.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

- 7.35 Custody.
7.36 Use.

GENERAL PROVISIONS

- 7.37 Administrative operations.
7.38 Implementation.
7.39 Applicability.
7.40 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

AUTHORITY: The provisions of this Part 7, issued under secs. 4, 8, 49 Stat. 164, 1149, as amended; 16 U.S.C. 590d, 590h(b).

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

Each local committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this part as the "community committee."

§ 7.2 County committee.

Each county committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this part as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Agricultural Acts of 1949, and 1970, the Agriculture and Consumer Protection Act of 1973, the Food and Agricultural Act of 1977, and any amendments to such acts, such other acts of Congress as the Secretary of Agriculture or the Congress may designate, and to perform such other functions as may be designated by the Secretary. This shall be done through community committees and county committee members and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected in accordance with the provisions of this part.

§ 7.5 Who may vote for community committee members and delegates.

(a) Any person, regardless of race, color, religion, sex, age, or national origin, who has an interest in a farm as owner, tenant, or sharecropper and who is of legal voting age in the State in which the farm is located, and any person not of such legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm, shall be eligible to vote for community committee members and delegates in the community in which he/she has such an interest and such person is eligible to participate with respect to the farm in any program administered by the county committee.

(b) In any State having a community property law, the spouse of a person who is eligible to vote under para-

graph (a) of this section shall also be eligible to vote.

(c) The term "person" as used in this section means an individual, partnership, association, corporation, estate, trust, other business enterprise or legal entity, or a State, political subdivision of a State or any agency thereof.

(d) The vote may be cast by:

(1) An individual for himself/herself.

(2) A duly authorized partner of a partnership for the partnership.

(3) A duly authorized officer of a corporation for the corporation.

(4) A guardian who is legally appointed for a minor or incompetent person.

(5) A duly authorized representative of any other eligible voter entity, except an individual.

(e) Each county office shall have a prepared list of eligible voters for each community within the county available for public inspection in advance of the election.

§ 7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties. The county committee shall give public notice of the community boundaries in advance of the election.

§ 7.8 Calling of elections.

(a) Each election of community committee members shall be held on a date or within a period of time fixed by the Deputy Administrator, State and County Operations, (hereafter referred to as Deputy Administrator) or his/her designee, Agricultural Stabilization and Conservation Service which will in his/her judgment best afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30, each year. Each such election shall be held in ac-

cordance with detailed instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) If the number of eligible voters voting in any election of community committee members is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community committee has not been held substantially in accordance with official instruction, the State committee shall declare such election void and call a new election.

§ 7.9 Conduct of community elections.

(a) The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with official instructions issued by the Deputy Administrator.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, community elections shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of how, when, and where eligible voters may vote, when and where the votes will be counted, and the right to witness the vote counting.

(d) All nominees shall be notified in writing of the outcome of the election by the county executive director.

§ 7.10 Conduct of county convention.

(a) The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with official instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, county conventions shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of the county convention. It shall be open to the public.

(d) The county executive director shall notify in writing all newly elected county committee members, alter-

nates, and county committee members with unexpired terms, of the election results.

§ 7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. The election shall be conducted by the mail ballot method in all counties, except that the Deputy Administrator may authorize use of the meeting or polling place method in a specific county where such is deemed justified. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his/her own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however*, That a person may not serve as delegate if he/she has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) Where there is only one community in the county, one committee person shall be elected to hold offices for a term of 3 years or until his/her successor is elected and qualified, so that the term of office of one committee member will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of

the committee. In the event an alternate fills a permanent vacancy on the committee, he/she shall assume the unexpired term of the committee member replaced and hold office until the end of that unexpired term. An acting member shall have the same duties and authority as a member.

(d) The community committee shall select a secretary who shall be either an employee of the county committee or the county agricultural extension agent.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11(a) shall meet in a convention held before the close of the same calendar year in which they were elected to elect committee members for vacancies on the county committee. The Deputy Administrator may fix the exact date. Each delegate shall be entitled to only one vote on any ballot, and there shall be no voting by proxy. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee shall consist of three members. Each year one committee member shall be elected to hold office for a term of 3 years or until the successor is elected and qualified, so that the term of office of one committee member will expire in each year.

(b) At each convention, the delegates shall also elect annually a first and second alternate to the county committee to serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, that person shall thereby assume the unexpired term of the committee member that was replaced. An acting member of the county committee shall have the same duties and authority as a member.

(c) The county committee shall select a secretary who shall be either the county executive director or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, that person shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 Tie votes.

(a) Tie votes in community committee elections held by mail or polling place method shall be settled by lot. Tie votes in such elections held by the meeting method which cannot be settled by further balloting on the same day shall be settled by lot. In one-com-

munity counties, a tie vote in determining the chairperson and vice chairperson which cannot be settled by further balloting on the same day shall be settled by lot.

(b) In the county convention, tie votes which cannot be settled by further balloting on the same day shall be settled by lot.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairperson of a county or community committee, the respective vice chairperson shall become chairperson; in case of a vacancy in the office of vice chairperson, the respective third member shall become vice chairperson; in case of a vacancy in the office of the third member, the respective first alternate shall become the third member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph and paragraph (c) of this section and approved by the State committee, the offices of chairperson and vice chairperson of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates of the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.29.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

§ 7.15 Appeals.

(a) Any eligible voter in the county may appeal to the county committee in writing or in person, or both:

(1) The eligibility or ineligibility of persons to vote,

(2) The eligibility of persons to hold office, and

(3) The validity of the community committee elections. Such appeal must be made within 15 days of the election

date, except that appeals on a determination of eligibility of a person nominated by petition must be made within 7 days of the date of notification of ineligibility.

(b) Any eligible voter in the county may appeal to the State committee in writing, in person, or both:

(1) A county committee decision on an election appeal, and

(2) The validity of a county convention. An appeal of a county committee decision must be made within 15 days of the notification of the decision. An appeal on the validity of a county convention must be made within 15 days of the county convention.

ELIGIBILITY REQUIREMENTS

§ 7.16 County committee members, community committee members, and delegates.

To be eligible to hold office as a county committee member, a community committee member, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if proposed for county committee member or alternate and in the community in which the election is held if proposed for community committee member or alternate;

(b) Be residing in the county in which the election is held if proposed for county committee member; and unless waived by the State committee, be residing in the community in which the election is held if proposed for community committee member: *Provided, however*, That in cases where a State line, or a county line or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.28;

(d) Not have been dishonorably discharged from any branch of the armed services; not have been removed for cause from any public office; not have been convicted of any fraud, larceny, embezzlement, or felony; unless any such disqualification is waived by the State committee or the Deputy Administrator;

(e) Not have been removed as a county committee member, community committee member, delegate, alternate to any such office, or as an employee for failure to perform the duties of the office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or inter-

fering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committee member, community committee member, delegate, alternate of any such office, or as an employee, he/she failed to perform the duties of his/her office or employment, or he/she committed, attempted, or conspired to commit fraud, or he/she impeded the effectiveness of any program administered in the county, or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during the term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committee member, not be during the term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(i) If the office is that of delegate to the county convention, not have been a county committee member for that county during the 90 days preceding the community elections;

(j) If the office is that of county committee member, not be serving as a county committee member with one or more years following the current election remaining in the term of office;

(k) If the office is that of county committee member, not have served three consecutive terms as county committee member just prior to the current election: *Provided, however*, That any partial term served by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation. The tenure of office of any county committee member, community committee member, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.17 All other personnel.

(a) The county executive director or any other employee must not be ineligible under § 7.28.

(b) The county executive director and other employees must not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, em-

bezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county executive director or any other employee must not have been removed as a county committee member, community committee member, delegate, alternate to any such office, county executive director, or other employee for failure to perform the duties of the office, or committing, or attempting, or conspiring to commit fraud, incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including equal employment policy or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county executive director or any other employee must not have been disqualified for future employment because of a determination by a State committee that during previous service as a county committee member, community committee member, delegate, alternate to any such office, or as an employee, he/she failed to perform the duties of his/her office or employment; or committed, attempted, or conspired to commit fraud; or impeded the effectiveness of any program administered in the county; or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or interfered with others in carrying out such policy; or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county executive director or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.18 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to the county committee;

(4) A member of the State committee; or

(5) County executive director or any other county office employee.

(b) *Community committee membership.* A member of the community

committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to the county committee;

(3) A member of the State committee; or

(4) County executive director or regular county office employee.

(c) *Delegate to the county convention.* A delegate to the convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.19 County and community members.

The term of office of county and community committee members and alternates to such office shall begin on a date fixed by the Deputy Administrator, which shall be after their election and not later than the first day in the next January: *Provided, however*, That before any such county committee members or alternate county committee members may take office they shall sign an oath of office pledge that they will faithfully, fairly, and honestly perform to the best of their ability all of the duties devolving on them as committee members. A term of office shall continue until a successor is elected and qualified as provided in §§ 7.11 and 7.12.

§ 7.20 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue until their respective successors have been elected and qualified.

DUTIES

§ 7.21 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committee members and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, and the disaster provisions under the feed grain, wheat, cotton and rice programs, formulated pursuant to the acts of Congress specified in § 7.3, and any other program or functions assigned to it by the Secretary of Agriculture. In so doing, the committee shall:

(a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(b) Employ the county executive director, subject to standards and qualifications furnished by the State committee, to serve at the pleasure of the

county committee, except that incumbent directors shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided, also*, That there shall be no employment discrimination due to race, religion, color, sex, age, or national origin. The county executive director may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reasons, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reasons;

(c) Direct the activities of the community committees elected in the county;

(d) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(e) Recommend to the State committee needed changes in boundaries of communities;

(f) Make available to farmers and the public, information concerning the objectives and operations of the programs administered through the county committee;

(g) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with official instructions issued;

(h) Give public notice of the designation and boundaries of each community within the county not less than 50 days prior to the election of community committee members and delegates;

(i) Direct the giving of notices in accordance with applicable regulations and official instructions;

(j) Recommend to the State committee desirable changes in or additions to existing programs;

(k) Conduct such hearings and investigations as the State committee may request;

(l) Perform such other duties as may be prescribed by the State committee.

§ 7.22 Chairperson of the county committee.

The chairperson of the county committee or the person acting in his/her stead shall preside at meetings of the county committee, certify such documents as may require his/her certification, and perform such other duties as may be prescribed by the State committee.

§ 7.23 Community committee.

The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.24 Chairperson of the community committee.

The chairperson of the community committee or the person acting in his/her stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him/her by the county committee.

§ 7.25 Delegate to the county convention.

Each delegate shall meet with other delegates in a county convention within a period of time fixed by the Deputy Administrator and at the place designated by the county committee to elect county committee members for the county.

§ 7.26 County executive director.

The county executive director shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office, in accordance with standards and qualifications furnished by the State committee, to serve at his/her pleasure: *Provided, however*, That there shall be no employment discrimination due to race, religion, color, sex, age, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairperson on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

§ 7.27 All personnel.

(a) No county committee member, community committee member, dele-

gate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

(b) County committee members, community committee members, delegates, or alternates, and any person employed in the county office shall be subject to the official instructions issued with respect to conflicts of interest and proper conduct.

POLITICAL ACTIVITY

§ 7.28 All personnel.

(a) No person may be a member of the county governing body or hold a Federal, State, or county office filled by an election held pursuant to law or be employed by any such office and also hold office as a county committee member, community committee member, delegate, alternate to such office, or be employed in any capacity, except that members of school boards, soil conservation district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committee member, community committee member, delegate, alternate to any such office, or be employed in any capacity, except that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committee member, community committee member, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committee member, community committee member, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office of employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committee member, community committee member, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committee member, community committee member, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to do so, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(3) Use or direct or permit the use of any official space, equipment, materials, supplies, or personal services either to support or oppose any political office holder, candidate or party, or for any other political purpose.

(f) No county committee member, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations;

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections;

(3) Any other political purpose.

REMOVAL FROM OFFICE OR EMPLOYMENT FOR CAUSE

§ 7.29 County and community committee members, and delegates to county convention; county office personnel.

(a) Any county committee member, community committee member, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who fails to perform the duties of his office; or who commits or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.28 (e) or (f); or who refuses to carry out or fails to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instructions,

shall be suspended from his/her office or employment. Any person who is under formal investigation for any of the above-cited reasons may be suspended. The suspension action may be taken by the county executive director with respect to any other employee, or by the county committee or State committee with respect to the county executive director or any other county employee and by the State committee with respect to any county committee member, community committee member, delegate to the county convention, or any alternate to any such office. Any person suspended shall be given a written statement of the reasons for such action and allowed 15 days from the date of mailing of the suspension in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he/she should be restored to duty.

(b) The county committee, or county executive director, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall restore to duty or remove the suspended person; except that, the county committee or county executive director may not restore a suspended person to duty without prior written approval of the State committee, and if such approval is denied shall promptly remove such person. Upon refusal or failure of the county committee or county executive director promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and allowed 15 days from the date of mailing of the notice of additional reasons for the suspension in which to advise why he/she should be restored to duty. In the event a person under suspension submits his/her resignation, acceptance thereof shall not prevent a determination by the county committee or State committee that he/she would have been removed had he/she remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.16(e) and 7.17(c). The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any incumbent, or former county committee member, community committee member, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who during his/her term of employment fails or failed to perform the duties of his/her employment; or who committed, attempted, or conspired to commit

fraud, or was incompetent; or who impeded the effectiveness of any program administered in the county; or who violated the provisions of § 7.28 (e) or (f); or who refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who violated official instructions, may be disqualified for future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, a person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond. The State committee may remove the disqualification for future service or employment only with prior approval of the Deputy Administrator.

(d) Any county committee member, community committee member, delegate to the county convention, or any alternate to any such office, and county executive director, or any other county employee, who, prior to taking his/her present office, committed, or attempted or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended. Any such person who is under formal investigation for any of the above cited reasons may be suspended. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

(e) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

§ 7.30 Delegation of authority to Deputy Administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county ex-

ecutive director by this part, the Deputy Administrator shall have authority to suspend and/or remove or disqualify for future service or employment, any county committee member, community committee member, delegate to the county convention, an alternate to any such office, county executive director, or other county employee, for any and all of the reasons and causes authorizing such suspension, removal, and disqualification by the State committee, the county committee, or the county executive director. Any person suspended, removed or disqualified pursuant to the section shall be given a written statement of the reason for such action and shall be advised of his/her right of review as provided in § 7.31.

§ 7.31 Right of review.

Any person dissatisfied with a determination of the county committee or county executive director may appeal in writing or in person or both, such determination to the State committee. Any person dissatisfied with a determination of the State committee may appeal such determination to the Deputy Administrator. Any person dissatisfied with a determination of the Deputy Administrator made under § 7.30 may request a reconsideration of such determination by the Deputy Administrator. Such appeal or request for reconsideration shall be made within 15 days from the date of the mailing of the determination with respect to which the appeal or request is filed. Except as provided in § 7.32, such appeals and requests for reconsideration shall be determined on an informal basis. The person filing the appeal or request for reconsideration may present reasons, in writing, in person, or both, why the determination should be reversed or modified. Within 60 days after the reasons have been presented, such person shall be notified of the determination on appeal or reconsideration. The notification shall clearly set forth the basis for the determination. The determination of the Deputy Administrator is final and not subject to further administrative review.

§ 7.32 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.

Any person (hereinafter called the "appellant") filing an appeal with the Deputy Administrator, or a request for reconsideration of a determination made by the Deputy Administrator under § 7.30, is entitled, at his/her election, to a hearing in connection therewith. If the appellant does not request a hearing, the appeal or reconsideration shall be handled in accordance with § 7.31. If the appellant desires a hearing, he/she shall so advise

the Deputy Administrator. The hearing shall be conducted by the Deputy Administrator, or his/her designee. The hearing shall be held at the time and place designated by the hearing officer (the Deputy Administrator or his/her designee). The appellant is entitled to appear personally or through or accompanied by a representative. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the issues shall be received in evidence. Both the appellant and the agency representatives are entitled to produce witnesses and the appellant and agency representative shall be given an opportunity to cross-examine witnesses. The hearing officer shall inform the witnesses that they are subject to a fine of not more than \$10,000 or imprisonment for not more than 5 years or both for making any false statements (18 U.S.C. 1001). The hearing officer shall cause a transcript to be made of the hearing and it shall be made available to the appellant at actual cost.

§ 7.33 Findings, analysis, and recommendations of hearing officer.

If the hearing has been conducted by a designee of the Deputy Administrator, the hearing officer shall, within 60 days from the date of receipt of the transcript transmit to the Deputy Administrator, State and County Operations: (1) the record of the hearing; (2) the findings and analysis of the hearing officer; and (3) his/her recommended determination.

§ 7.34 Determination of the Deputy Administrator.

Within 30 days after receipt of the findings, analysis, and recommendations of the hearing officer, or within 60 days from the date of receipt of the transcript if the Deputy Administrator conducted the hearing, the Deputy Administrator shall make his/her final determination. The notification shall clearly set forth the basis for the determination. The determination of the Deputy Administrator is final and not subject to further administrative review.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.35 Custody.

(a) All books, records, and documents of or used by the county committee in the administration of programs assigned to it, or in the conduct of elections, shall be the property of the United States Department of Agri-

culture and shall be maintained in good order in the county office.

(b) For polling and mail type elections, ballots shall remain in sealed boxes until the prescribed date for counting. Following the counting of ballots in all types of elections, the ballots shall be placed in sealed containers and retained for 30 days unless otherwise determined by the State committee.

§ 7.36 Use.

The books, records, and documents referred to in § 7.35 shall be available for use and examination:

(a) At all times by authorized representatives of the Secretary of Agriculture, the Administrator, the Deputy Administrator, State and County Operations, and the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service;

(b) By State, county, and community committee members, and authorized employees of the State and county office in the performance of duties assigned to them under this part, subject to any limitations prescribed in official instructions;

(c) At any reasonable time to any program participant insofar as his/her interests under the programs administered by the county committee may be affected, subject to any limitations prescribed in official instructions; and

(d) To any other person only in accordance with official instructions issued.

GENERAL PROVISIONS

§ 7.37 Administrative operations.

The administrative operations of county committees including but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with official instructions issued.

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.38 Implementation.

Unless specifically provided in this part, the Deputy Administrator, State and County Operations, or the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service, is authorized to issue the official instructions and official procedures referred to herein, implementing the regulations in this part.

§ 7.39 Applicability.

The regulation in this part shall apply to each State of the United States.

§ 7.40 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

Nothing in these regulations shall preclude the Secretary, Administrator, Agricultural Stabilization and Conservation Service; or Deputy Administrator, Agricultural Stabilization and Conservation Service, from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee. In exercising this authority either the Secretary, Administrator, or Deputy Administrator may designate a person or persons of their choice to be in charge with full authority to carry on the programs or other functions without regard to the committee, committees, or their employees for such period of time he/she may deem necessary.

Signed at Washington, D.C., on January 22, 1979.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 79-2783 Filed 1-25-79; 8:45 am]

[3410-30-M]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amendment 30]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the National School Lunch Program regulations to require State agencies to include in the State Plan of Child Nutrition Operations the State's criteria for determining schools in need of a School Breakfast Program. By issuing this regulation, USDA is complying with the order issued in *Charette v. Bergland*, 457 F. Supp. 1197 (D.R.I. 1978).

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202)447-8130.

SUPPLEMENTARY INFORMATION: Legislation and State Plan guidance require that State agencies provide in their annual State Plans a detailed action program to extend the School Breakfast Program to every school in the State, giving priority to schools

identified by the State agency as in need of the Program. In support of the legislation, on November 22, 1977, a proposed rule was published in the *FEDERAL REGISTER*. As a minimum, priority was to be given to schools in the State:

1. Classified as "Title I schools".
2. With 25 percent or more of the enrollment eligible for free and reduced price meals.
3. Without food service.

The proposed rule was not finalized. This delay resulted from the Department's decision to await a court's ruling on a lawsuit affecting State Plans (*Charette v. Bergland*).

Charette v. Bergland, the court ruled that at the very least, the State's definition of schools needing the School Breakfast Program or information about participating and nonparticipating schools must be required as part of the State Plan. This final regulation complies with the court's ruling and clarifies the requirements contained in the Department's November 22, 1977 proposal. It requires States to provide in State Plans their criteria for determining schools in need of a School Breakfast Program. As a minimum, the State's criteria will have to include those schools having 25 percent or more of the enrollment eligible for free and reduced price meals. Title I and other available data may be used by States in calculating which schools would meet the State's criteria.

In the near future, the Department plans to issue a comprehensive proposal regarding State Plans of Child Nutrition Operations which is designed to augment this final rule with additional State Plan regulatory requirements. The public will be invited to comment on that proposal. However, to comply with the Court order, the following regulatory amendment is a final rule.

Accordingly, § 210.4a paragraph (b)(3), which had been reserved, will now read as follows:

§ 210.4a State Plan of Child Nutrition Operations.

* * *

(b) * * *

(3) The State's criteria for determining schools in need of a School Breakfast Program which as a minimum, shall include schools having 25 percent or more of the enrollment eligible for free and reduced price meals based on Title I or other available information.

* * *

(Catalog of Federal Domestic Assistance No. 10.555)

The Food and Nutrition Service has determined that this document does not contain a major proposal requiring

preparation of an Economic Impact Statement under Executive Orders 11821 or 11245, or OMB Circular A-107.

Dated: January 22, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-2610 Filed 1-25-79; 8:45 am]

[3410-05-M]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, NORMAL CROP ACREAGE AND PRECEDING YEAR PLANTED ACREAGE

FINAL RULE

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The Agricultural Stabilization and Conservation Service (ASCS) revises the regulations governing the reconstitution of farms, allotments, and incorporates requirements of normal crop acreage and preceding year planted acreage for 1978-79 and subsequent years under any program administered by ASCS through State and county committees. The revised regulations eliminate allotments for wheat, feed grains, and upland cotton while retaining those for tobacco, peanuts and extra long staple cotton. The regulations implement the Food and Agriculture Act of 1977.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert Coplin, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-4541.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Act of 1977 does not provide for crop allotments for wheat, feed grains, and upland cotton. The new Act provides for establishing a farm "normal crop acreage" which is used for the farm participation in agricultural payment programs. Allotments are continued for ELS cotton, peanuts, rice, and tobacco. Since farmers are now requesting reconstitutions for the 1978-1979 crop